

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.2658 of 2007

Dated 19-02-2007

Between:

Palle Yella Reddy and others

...Petitioners

And

The Government of A.P.,
Rep. By its Secretary, I & CAD Department,
Secretariat, Hyderabad, and others

...Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.2658 of 2007

ORDER:

The petitioners claim that they are the owners of various extents

of land, as well as structures in Gollapalle, hamlet of Malinenipatnam, of Kadapa District. The 3rd respondent issued a notification dated 12-01-2007, under Section 4(1) of the Land Acquisition Act (for short '*the Act*'), proposing to acquire various extents of land in the said village, for the purpose of Srisailem Irrigation Project. The grievance of the petitioners is that though the respective extents of land were mentioned in the notification, the structures thereon were omitted. They contend that the officials of the 1st respondent have, in fact, made a physical verification and have taken the video filming of the existing structures, and despite the same, the structures were omitted.

Learned counsel for the petitioners submits that unless the structures are omitted, the petitioners would be denied the benefit of the compensation.

Learned Government Pleader for Land Acquisition, on the other hand, submits that the notification under Section 4(1) of the Act was issued on the basis of the information available with the 3rd respondent, and inasmuch as an enquiry under Section 5-A of the Act is contemplated, the petitioners can make necessary representations.

What is issued by the 3rd respondent, under Section 4(1) of the Act, is a draft notification. The enquiry under Section 5-A was not dispensed with, and on the other hand, it was specifically mentioned that such an enquiry would be conducted. The very purpose of conducting such an enquiry is to enable the affected parties to put forward their contentions. The petitioners can certainly avail the said benefit. They can be said to have suffered any grievance, if only the resultant declaration under Section 6 of the Act, does not reflect the structures.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioners to put forward their contentions in the enquiry, contemplated under Section 5-A of the Act. The 3rd respondent shall take the same into account and shall incorporate the facts, in the draft declaration, under Section 6 of the Act. If the petitioners still feel the grievance, after the declaration under Section 6 is issued, it shall be open to them to approach this Court for necessary directions.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.19-02-2007.

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